

1 HONORABLE RICARDO S. MARTINEZ
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4 **UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

5
6 UNITED STATES OF AMERICA,

7 Plaintiff,

8 vs.

9 MANUEL GARCIA HERNANDEZ,

10 Defendant.

11 NO. CR24-87RSM
12

13 ORDER GRANTING MOTION
14 TO CONTINUE TRIAL DATE
15 AND EXTEND MOTIONS DEADLINE

16 THIS MATTER comes before the Court on the motion, docket no. 26, for continuing trial
17 date and motions deadline, filed by attorney Michael Austin Stewart on September 23, 2024.
18 THE COURT has considered the motion and the facts and circumstances described therein,
19 which are hereby incorporated as findings of act, and finds that:

20 (a) taking into account the exercise of due diligence, a failure to grant a continuance in
21 this case would deny counsel for the defendant the reasonable time necessary for
22 effective preparation due to counsel's need for more time to review the evidence,
23 consider possible defenses, and gather evidence material to the defense, as set forth
24 in 18 U.S.C. § 3161(h)(7)(B)(iv); and

25 (b) a failure to grant such a continuance in this proceeding would likely result in a
26 miscarriage of justice, as set forth in 18 U.S.C. § 3161(h)(7)(B)(i); and

(c) the additional time requested is a reasonable period of delay, as the defendant has
requested more time to prepare for trial, to investigate the matter, to gather evidence
material to the defense, and to consider possible defenses; and

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- 1 (d) the case is sufficiently complex that it is unreasonable to expect adequate preparation
2 for pretrial proceedings or the trial itself within the current trial schedule, as set forth
3 in 18 U.S.C. § 3161(h)(7)(B)(ii); and
4 (e) the ends of justice will best be served by a continuance, and the ends of justice
5 outweigh the best interests of the public and the defendant in any speedier trial, as set
6 forth in 18 U.S.C. § 3161(h)(7)(A); and
7 (f) the additional time requested between the current trial date of September 27, 2022,
8 and the new trial date is necessary to provide counsel for the defendant the reasonable
9 time necessary to prepare for trial, all of the facts set forth above; and
10 (g) that the period of delay from the date of this motion to the new trial date is excludable
11 time pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (h)(7)(B)(iv).

12 IT IS THEREFORE ORDERED that the trial date in this matter shall be continued to
13 March 10, 2025 and that pretrial motions shall be filed no later than January 6, 2025.

14 The Clerk is directed to send a copy of this Order to all counsel of record.

15 Dated this 24th day of September, 2024.

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17 
18 RICARDO S. MARTINEZ
19 UNITED STATES DISTRICT JUDGE
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21 Presented by:

22 */s/ Michael Austin Stewart*
23 MICHAEL AUSTIN STEWART
24 Attorney for Defendant, WSBA #23981
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